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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/445,050	03/06/00	CHRISTOU	V SHP-PT050

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IM22/0717

EXAMINER

XU, L

ART UNIT	PAPER NUMBER
1774	11

DATE MAILED: 07/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

11

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The reply filed on is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's election of Group II, new claims 24-35, in Paper No. 10 is acknowledged, however, applicants do not respond to the election of species requirement set forth on page 3 of the prior Office action. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Applicant's election with traverse of Group II claims in Paper No. 10 is acknowledged. The traversal is on the ground(s) that the complex recited in original Group II of the device claims is not anticipated by the cited reference, US 5,707,745. This is not found persuasive because the device claimed in the instant claim 45 comprises a complex in which one or more of the ligands comprise one or more pyrazolyl groups and the reference device also comprises a complex in which two of the ligands contain pyrazolyl groups. The lack of unity Election/Restrictions requirement is still deemed proper and is therefore made FINAL.

**CYNTHIA H. KELLY
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